

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MARCH 5, 2014

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: South Jersey Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. Walter Bryson led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	(Arrived 7:05 PM)
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	
Engineer Chris Rehmann	Present	
Supervisor of Roads, Michael Calvello	Present	

B.) APPROVAL OF MINUTES

Cncl. Dilks made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of February 5, 2014. The motion was seconded by **Cncl. DiLucia** and approved by all members of Council in attendance with the exception of **Cncl. Pres., Garbowski** who **Abstained**.

C.) PUBLIC PORTION

Cncl. Pres., Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. DiLucia** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. DiLucia** made a motion to close the Public Portion. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance.

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D.) ORDINANCES FOR REVIEW

- **Re-appropriation of Capital Funds**

Business Administrator Kevin Heydel explained at times funds are left over in capital ordinances after purchases are made or if it is found the equipment the money was appropriated for is not as much a priority as something else. Ordinance O:12-2012 appropriated \$26,000.00 to purchase grounds keeping equipment, \$94,000 for a utility bucket truck and \$57,000 for a tractor with a rear mower. \$10,000 remains in the ordinance after the purchase of the grounds keeping equipment, \$45,000 remains because a used bucket truck was purchased instead of a new one and instead of buying a tractor a twelve foot wide rear mower will be purchased for \$13,000 and that will be installed on the Parks and Rec tractor. \$6,000 remains after the purchase of trash trucks and \$6,399 after the purchase of the fire trucks. The money remaining in Ordinance O:12-2012 amounts to \$126,000 and that will be reallocated to purchase two small dump body trucks for approximately \$35,000 each under State Contract. Originally one dump truck was to be purchased but the 1998 stake body truck from Buildings and Grounds is completely rusted out and must be replaced. Instead of purchasing another stake body, which cost a lot more, a dump body will be purchased, as that can be utilized for whatever a stake body is used for and it's cheaper. \$69,000 will be reallocated to purchase those trucks, \$20,000 to purchase seven mobile data terminals for the Police Department, \$5,000 (*each department*) to purchase radios and pagers for Williamstown and Cecil Fire Companies and \$5,000 for radios and pagers and \$16,000 for four portable wireless notepads (\$4,000 *each*) for Monroe Township Ambulance and Rescue Association. Mr. Heydel noted the 2014 Capital Budget requests totaled \$810,000 and approximately \$50,000 will be reduced from that total with these proposed reallocations. **Cncl. Dilks** questioned whether the mower would be utilized to cut the grass on the ball fields and whether it opens up from twelve to fifteen feet. Mr. Heydel explained our tractor must be fitted with the mower and if it can hold a fifteen foot mower that's what will be purchased but it may only be able to hold a twelve foot mower. Whatever we get will cut down on manpower time since they are using only a six foot mower to cut Duffy Park right now. Council questioned Mr. Calvello on whether Public Works would use the tractor to cut the basins. Mr. Calvello advised his department uses Z-Riders to cut the basins and brush hogs for road shoulders; that mower would not be beneficial for his department. **Cncl. Bryson** noted all members of Council received copies of the Five Year Capital Budget Plan and he requested that they review it and provide Mr. Heydel with their comments. Mr. Heydel went on to say that Council needs to prioritize the capital items, as \$810,000 divided over five years would amount to \$160,000 a year. **Cncl. Sebastian** polled Council and all members of Council in attendance were in favor of moving the Re-appropriation Ordinance forward for First Reading at the March 10, 2014 Regular Council Meeting.

- **Salary Ordinance**

Cncl. Sebastian noted Council was provided with the proposed Salary Ordinance for 2014 as well as the 2013 Salary Ordinance for a comparison. **Mr. Heydel** explained for the most part the raises go along with the employee contracts, which are in effect until the end of this year so there was no reason to wait until the end of the year to approve the ordinance. He

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explained some of the minimum ranges were increased because when reviewing the various job titles he found some ranges to be very low. The increases are not 100% of what they should be and next year that is something that should be addressed. The Local 1360 Contract has five steps and some of the titles he increased would amount to going to step two when the minimum range should probably be more like step four or five for those progressing in a career path by moving from title to title. The increase to the minimum ranges has absolutely no affect on anything except if we were to hire. Cncl. DiLucia felt this would be a collective bargaining issue since contracts cover rates of pay, minimums, maximums and longevity and that should not be altered without some agreement from the collective bargaining representative or else the township could be hit with an unfair labor practice. He felt it would be more appropriate to address the minimums when a person is hired. Mr. Heydel explained the titles in the ordinance that he is recommending be increased are included in the Supervisors Association and the Administrative Employees Association contracts. Those contracts do not establish salaries they just stipulate a 2% raise; the salaries are established by the Salary Ordinance. He explained he tried to align the minimum salaries of the supervisors to step two of the Local 1360 Contract because we cannot hire a confidential secretary at the rate of a clerk typist; that title should be at the rate of a secretarial assistant and that is where the alignment was made. Cncl. DiLucia felt Mr. Heydel was taking rates and trying to guess what the market will be long before the event of hiring takes place. He felt the right thing to do would be to wait until those positions become available for new hires and then talk about setting a rate to hire with. Mr. Heydel explained some of the titles such as Secretary to the Mayor, which has a minimum range of \$28,000, which is equal to the lowest title we hire at and the starting salary of a supervisor in Public Works is equivalent to a truck driver, which is why he was just trying to align the ranges to look good. Cncl. DiLucia noted Council is responsible for setting rates of pay when they are not dictated by a collective bargaining agreement and the time to discuss that is when someone is being hired. If Mr. Heydel was here tonight saying he surveyed other townships and these minimum starting rates are substandard or if we had an opportunity to see what the market is and had a say in what it takes to hire those people, he would say yes and totally agree with it but he would not agree to change rates when we have no idea what the market dictates, or whether they are too high or too low just to make them look good. Cncl. Sebastian noted the Mayor is the hiring authority and he sets the rate so if the range is \$18.00 to \$22.00 he could still hire the new person at \$22.00 per hour, he just can't go below \$18.00. Mr. Heydel noted he reviewed contacts from Washington Township, Glassboro and the County; he did not just come up with arbitrary numbers. Cncl. DiLucia noted that is not what Mr. Heydel said in his presentation but if he wants to say for the record that he did this based on job comparisons and he feels comfortable that these job rates are comparable to the market he would agree to it but to come here and just to say add \$2.00 or \$3.00 out of the air he would say no. Mr. Heydel noted over the years he has always done contract and salary comparisons and this year he decided to raise the minimums because that has not been done in years. Cncl. Sebastian noted he addressed this issue and questioned Mr. Heydel three years ago on why the minimum ranges were never increased. Mr. Heydel noted if Council wants him to do a full blown study of titles and come up with written documentation before this is done he will do that but he can say now that he has always reviewed other contracts. Cncl. DiLucia noted if we are going to do this let's do it right so we have some statistical analysis of why it was made. Mr. Heydel indicated he

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would change the minimum ranges back to what they were and in the future do a study to provide written documentation specific to every job title. He advised historically most of the titles that were changed have had internal promotions. Cncl. DiLucia noted the only time the minimum range will affect someone is when we hire from outside and he is not suggesting low balling people, as they should be paid their worth but by the same token he felt it should be done on a certain basis. Cncl. Sebastian polled Council and all were in favor of Kevin changing the rates back to what they were and then addressing them at a later date.

Cncl. DiLucia noted last year he went over the salaries line by line but he didn't do that this year and was assuming that all the rates represented a 2% increase. Mr. Heydel replied yes but some of the salaries were rounded up to the next \$100. The only exception was the Municipal Court Judge, which was increased from \$28,500 to \$30,000 because he has not had an increase since 1999 but whether the Mayor decides to pay the judge that or not is a different story. Cncl. DiLucia noted there are people who have contracts that state the person is entitled to the highest increase given and he is concerned about the legality if a 10% increase is given because that person could say he wants that amount as well. Mr. Fiore noted the only contractual one is the CFO; the Clerk and Tax Collector are statutory but it could potentially be an issue if someone raises it. Cncl. DiLucia noted he didn't want to wind up three years from now with someone coming back saying they are owed \$10,000 or \$20,000. If more than 2% was given certainly those people with statutory or contractual rights have the right to say "me too", because of the "me too" provision. He questioned if someone received 5%, 6% or 10% shouldn't that be based on additional job responsibilities to make sure we do not get in a legal situation. Mr. Fiore replied if it is statutory no, we have no control over that but if it's contractual perhaps we need to have a standard. Cncl. DiLucia noted there should be justification for increases and that can always be job requirements/responsibilities have changed, which warrants a re-evaluation and that will take us out of the legal problem. Mr. Fiore noted in defense of the Municipal Judge position other municipalities comparable to Monroe pay in the \$40's, so there is justification to increase that salary to \$30,000, which is more than 2%, but still low for that position. Mr. Heydel spoke of how court cases have increased from what they previously were. Cncl. DiLucia noted if the Solicitor felt comfortable that he can defend it if challenged based on the "me too provision" than that is fine. Mr. Fiore indicated he was comfortable with it because the individuals being discussed are part of an agreement and for the one that isn't it is defensible from the standpoint that position may comprise of some unique qualities and because there are two less people in that department due to his expertise. Mr. Heydel advised with the exception of himself, the municipal court judge, the prosecutor and directors every full time employee is under some type of collective bargaining agreement or contract and they all received their contractual increase of 2%. He added he also received a 2% increase and in September the police will get an increase of 3.8%, as stated in their contract. That increase amounts to 1% for the year. Council questioned the police increase and whether they had a five year contract. Mr. Heydel explained the police are in the last year of their three year contract and their increase was deferred from January 2014 to September 2014. Cncl. DiLucia explained that is a different issue because if a 4% increase is given in the last six months there is a 2% cost but there is a 4% carry over. He noted he wanted it clear that he was not arguing about what anyone gets, as everyone should get what was agreed upon but he was concerned

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about how that impacts other people that either through statutory requirements or through contracts have a legal right to say me too. So, if a 3.8% increase was given then those other people are entitled to that increase as well and you can't say because that was given in the last quarter of the year it only represents 25% of 3.8%. That is the cost, not the increase. It is different terminology, as increase and cost are two different things. The cost of a 3.8% increase is factored out to be 25% in that quarter because that's all it will cost in that year for budgetary purposes but you are giving a 3.8% increase so when people say they have a right to that we should not act surprised because they do have a legal right to it. Mr. Heydel noted the statutory titles are under a collective bargaining agreement that bargained 2%. Mr. Fiore noted State Statute will trump the collective bargaining agreement, as you cannot have a contract that will void the Statute. Cncl. DiLucia noted we had this issue before where people came forward and said they had a statutory right to an increase and we had to recognize it. Mr. Heydel noted there are three statutory positions, the CFO, the Municipal Clerk and the Tax Collector. Mr. Fiore added if the Clerk received 2% someone could argue the point that she would get the difference but we need to look at that because it is a different collective bargaining unit under the umbrella of the municipality. Cncl. DiLucia noted he does not know what the statutory language is but the CFO has a contract that says he gets the highest increase in the township, which means everybody. Mr. Heydel advised he spoke to the CFO about that and he took the 2% and didn't argue it but he could come back later on for more. Cncl. Bryson referred to the salary increase for the judge and he questioned whether the title/description of his position could be changed to "superior" so the dollar amount could be changed without reflecting back to the rest of the positions. Mr. Heydel advised he could justify the judge's increase by the workload of the court and that if someone under contract requests the 3.8% he will go back and take away the 2% they received from January through August and give them the 3.8% beginning in September just like the police contract. Cncl. DiLucia noted he didn't know if they will request the additional increase again but he wanted it on the record that there is a potential for three people to request an additional increase of 1.8% after September. Cncl. Sebastian noted Mr. Heydel will roll back the minimum salaries as previously discussed and he polled Council to see if they were in favor of moving the ordinance forward for First Reading. All members of Council in attendance were in favor of moving the ordinance forward for First Reading at the March 10th Regular Council Meeting.

- **Amendment to Development Fee Ordinance**

Cncl. Caligiuri explained the New Jersey Council on Affordable Housing requested some changes be made to our COAH regulations, the Planning Board Planner recommended those changes to the Planning Board who after reviewing them forwarded them to Council to adopt by ordinance. Mr. Fiore added our original ordinance was sent to COAH and they suggested the proposed amendments and this ordinance will codify the proposed amendments. Cncl. Bryson questioned whether the changes were relative to the new COAH law or relative to no COAH law. Mr. Fiore responded no COAH law; the changes just affect the fees. All members of Council were in favor of moving the ordinance forward for First Reading at the March 24th Regular Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 272 "Water"

Cncl. Bryson noted at the Ordinance Committee Meeting of November 8, 2012 he requested the following changes be made to Chapter 272: *Chapter 272.1 Section C - The owners of any Rental or non-occupied building or structure adjoining, abutting, facing or contiguous with a public street within the Township of Monroe in which a water pipeline is now or may be hereinafter constructed shall connect such building and all water facilities therein to said waterline only and after the existing well fails to meet acceptable New Jersey potable water standards. The owner then shall be required to connect within 90 days of notice therein or the length of time required to receive acceptance by the State of New Jersey for Spill Fund assistance if available.* Cncl. Caligiuri suggested giving residents the option by adding language such as "*may if available through the MMUA connect at their discretion or*" prior to Cncl. Bryson's recommended verbiage. Mr. Fiore spoke of Mr. Knorr requesting the current language due to his concerns that renters could be unsuspecting as to the quality of the water. Cncl. Bryson noted Mr. Knorr also got the State to mandate through legislation that anyone who has a rental property and anyone who sells their property with a well "*must*" have it tested. The next change Cncl. Bryson requested was as follows: *Section H - Any of the exceptions set forth herein shall only be issued and recertified only upon the testing and retesting of a well every three years at no cost to the property owners by the State or County Department of Environmental Protection.* Mr. Fiore noted that would suggest that local legislation was going to force the State or County to pay for it and that is not going to happen. Cncl. Bryson noted then that change can be left out but he does not want residents to be forced to test their wells every three years when no one else has to do it. Council was in agreement with Cncl. Bryson's requested changes to Chapter 272 and Mr. Fiore indicated he would prepare the ordinance for First Reading for the March 24th Council Meeting. Cncl. Sebastian requested Cncl. Dilks, liaison to the MMUA advise them of the proposed changes.

E.) MATTERS FOR DISCUSSION

- RSIS - HDP Pipe

Engineer Chris Rehmann requested Council consider including money in the 2014 Capital Budget for road repairs due to the number of potholes that have developed over the winter months. Mr. Rehmann submitted a report to Council dated March 5, 2014 explaining what has transpired since the year 2000 with the advent of the high density corrugated polyethylene pipe installations. Developers wanted to use that pipe due to the installation cost being less as the pipe can be manhandled into a trench without the need for a second large piece of equipment at the site. The Preserves on Malaga and Winslow Road was the first development to request those pipes. That request was made after the Planning Board approval so the Board required them to have a consulting engineer provide a letter recommending the substitution. Now, a thirty inch corrugated polyethylene pipe on Mills Lane has failed and will need to be replaced. Currently a steel plate is covering a portion of that roadway. We are concerned about liability due to the pipe failure so the Mayor requested videos be taken of all the pipes in the development. We found what happens when that plastic pipe is put in it has a tendency to flex and if the mid-line, or what is called the spring-line, is not protected by coming up against decent compacted fill the pipe flexes more and eventually it will crack along those

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mid-lines. We found a number of cracks in the pipe, nothing that would lead to structural failure except for a couple of fifteen inch pipe cross drains that we are concerned about. Mr. Rehmann explained the pipe must have a minimal cover of "X" and the consulting engineer made the recommendation of no less than one foot of cover but when a development is built the first thing done is the roads are cut to sub-grade, the pipes are installed including the storm sewer pipes and the curbs are installed. Then a concrete truck is brought in that runs along the curb on top of that pipe that does not have the minimum cover because the minimum cover is considered from the top of the pavement or when looking at a set of plans from the profile line of the street and that is the problem that needs to be addressed. During our research we found that the Department of Community Affairs, Division of Codes and Standards adopted the use of corrugated polyethylene pipe in their Residential Site Improvement Standards, which all municipal planning boards throughout the State must agree to. Due to that Mr. Rehmann felt the township has no legal right at this point to say those pipes cannot be used in Monroe Township but conditions can be established for using them such as a minimum cover of eighteen inches from the bottom of the stabilized sub-grade for up to thirty-six inch pipe. Pipes greater than thirty-six inches would need to be approved by the Planning Board Engineer, as that can get a little dicey in regards to how it is handled from a structural standpoint. Flowable fill or something that is compactable may be required, as we try to get 95% density of compaction. The soil still settles and in developments it is sometimes difficult to get contractors to make that happen so under those conditions most HDEP pipe would be taken out close to the surface areas. Mr. Rehmann advised a recent addition to the installation guide states "*extreme care must be taken*" and he suggested including in the ordinance the following language: "*Extreme care must be taken when heavy equipment crosses the pipe trench joint during construction. Compacted fill in the form of a ramp shall be constructed in a minimum elevation of three (3) feet over the top of the pipe*". He explained the pipe would be installed eighteen inches below sub-grade and then three feet of dirt would be piled on top of that. These regulations are saying don't use HDEP pipe in Monroe Township but it gives developers the choice on whether or not to use that pipe. **Cncl. Bryson** questioned whether the ordinance could require the pipe to be a certain thickness. Mr. Rehmann explained that is stipulated in the AST Testing Material Standard in the State RSIS and he would rely upon that. One thing not in there is the ramp requirement or completing mandrill testing on all HDPE pipe before paving. He explained a mandrill is round and fits the size of the pipe. It is dragged through the pipe and if it gets caught, it means the pipe has been deflected. The standard is if there is a 7½% defection in the pipe that pipe must come out and be replaced. **Cncl. Sebastian** recommended the amendment state Planning Board/Zoning Board Engineer because some developments go before the Zoning Board. He also questioned the rate of compaction and if we would be relying on information coming from the contractor or are we going to have our engineer perform a test on it. Mr. Rehmann explained with the language he included he is suggesting that a testing laboratory come out periodically to make sure the 95% compaction level is met. If a concrete pipe is installed there is a lot less chance of that pipe failing but these pipes are different. **Cncl. Dilks** noted every site would be different and he particularly likes the video before the top paving because if there is a problem they have to address it. Mr. Rehmann added the mandrill is also good but the video is now standard in all developments. A video is how it was found that the

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gas company punched their gas services right through the HDPE pipe. Mr. Fiore felt the mandrill may pick up some problems that the video would miss. Cncl. Sebastian expressed concern that the language requires the pipes to be compacted a certain way but it does not require anyone to check what the contractor has done. Mr. Rehmann noted his intention is that a submission be made to the Planning or Zoning Board who will review the means and methods of doing it and then additional inspections during the course of construction will be required by the township to ensure proper placement. He went on to explain how in other municipalities developers have raised issues about inspections and went to the Construction Board of Appeals. A developer sued Woolwich Township for \$700,000.00 of inspection fees and it was found that many of those numbers were not reliable but because the township pays the bill, it is a township responsibility. The Court found that if you go beyond the 5% you now have to go back to the Planning Board with the developer and explain why you need the additional funds. He noted the Mayor had suggested that during the installation there be full time inspections and that no pipe be installed unless there is a representative from the township onsite. Mr. Fiore noted but then you run into the 5% cap and that cannot be raised even for inspections. Mr. Rehmann noted it can be raised if the Planning Board agrees and then the developer has the right to argue that. Cncl. Sebastian questioned whether the problem at the Preserves was caused because the compaction at the intersection to the manholes was not done properly. Mr. Rehmann replied we think that is the case and also due to the fact that the inlet is on a concrete slab foundation so when the pipe was brought in a sheer point was added at that location and that issue has not been addressed by the industry yet. Cncl. Sebastian questioned whether Mr. Rehmann has addressed his proposed changes with the Mayor. Mr. Rehmann indicated he did discuss it with him and he was a little upset that it was not done sooner. Cncl. Caligiuri questioned whether the manufacturer of each HDPE has compaction standards for sub-grade based on soil composition. Mr. Rehmann noted they do have standards but he was not sure whether the manufacturer's standards were strict enough. Mr. Fiore noted the RSIS says you cannot compel developers to put in concrete but we are allowed to create standards for HDPE stricter/greater than the manufacturer because it can be supported. Cncl. Dilks noted if there is additional cost creating a ramp over the pipe trench that may make the developer go to concrete pipes. Cncl. Pres., Garbowski felt everything should be standardized by requiring developers to use flowable fill to the midline. That would prevent problems with compaction and we would meet the original intent of the installation of the corrugated plastic pipe. The biggest problem is from pipes not being properly backfilled so if we go above the standard and make sure they use flowable fill or engineered fill to the midline of the pipe we eliminate the possibility of failure. Cncl. Sebastian noted the smart developer uses concrete pipe; it may cost more but he doesn't have the maintenance, failure or replacement cost when it fails. Guzzo used all concrete pipes and there are no problems there. Mr. Fiore questioned what flowable fill is. Cncl. Pres., Garbowski explained flowable engineered fill compacts itself when it dries. Mr. Rehmann added flowable fill goes around the pipe for 95% compaction. Mr. Rehmann advised in the areas where the gas company went through the pipes they have rerouted their pipes and repaired the HDPE pipes to his satisfaction. He added it was not the gas company that did the damage it was Crown Pipe Line. Cncl. Sebastian requested Mr. Rehmann to make the changes and provide them to Sharon who will forward it to Len Schwartz and the Planning Board.

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E.) MATTERS FOR DISCUSSION (cont'd)

- 3-Way Stop Signs - Ames Road

Mr. Rehmann explained 3-way stop signs are not allowed to be utilized for speed control but a 3-way stop can be installed on Ames Road for line of site issues so vehicles can safely traverse the intersection. Mr. Fiore noted the gentleman that brought this issue to the forefront was also looking at a 3-way stop sign at Maidstone Drive and he questioned whether council wanted Mr. Rehmann to look at that issue as well before the ordinance was finalized. Council felt the two intersections were close enough together that the one 3-way stop should be sufficient to slow the traffic down. Cncl. Bryson noted the intersection of Clayton Road and Corkery Lane by the Mary Mazza Duffy Park is extremely dangerous due to the line of site from the roads coming out at various angles. He questioned whether anything could be done about that since the roads are County roads. Cncl. Sebastian advised there was discussion about the County buying additional property in that area for the Veteran's Cemetery, which would eliminate that cross street. Mr. Rehmann noted he would speak to the County engineer to see what the plans are for that area.

- Road Opening Permits

Mr. Rehmann explained currently Road Opening Permit applications are submitted to the Public Works Department for permits to be issued and Mr. Calvello has concerns because he cannot control what the gas company has been doing on Winslow Road. A meeting was held with a district engineer from the gas company to discuss the idea of them paying a fee to the township for milling and repaving and that money would be placed in an escrow account to be utilized as an off-set to the NJDOT grant received to repave Winslow Road. He went on to say he does not want to recommend changing the road opening ordinance if the gas company is going to pass the cost off to residents requesting new gas service because we need to be sensitive to the fact that they are doing it to try to save money. Mr. Rehmann explained he notifies the gas company when he is in the process of designing road improvements through DOT grants because they want to install new gas mains prior to the road being repaved. During the process of installing the new gas main they decided to recycle cooper from the area of New Brooklyn Road between Walnut Street and Jones Road and while Crown Pipe Line was drilling along Winslow Road they tore over a hundred feet of water service right off the water main and that was done right after they backed over a police car. Mr. Rehmann commended Roads Supervisor, Mike Calvello for how he handles everything with the limited staff he has and questioned Mr. Fiore on whether we could request South Jersey Gas Company not to use Crown Pipe Line in the township. Mr. Fiore noted he didn't think we can do that. Mr. Rehmann advised no more gas permits will be issued until the gas company resolves the issues on Winslow Road. Ralph Manfredi of the MMUA wants us to go after the gas company for the damage but that is an MMUA problem and should be handled by them not by us. He noted he would like to change the Road Opening Ordinance to require inspection fees, infrared sealing of the road repairs and the type of backfill to be used. He would also like to request they put up a bond because currently they excavate the hole, put the materials on the sidewalk and then scrape the materials off the sidewalk with a backhoe bucket that also scrapes the top of our sidewalks as well as the curbs. Mike Calvello advised they did come back and make some

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repairs but if you are not there constantly watching them Crown will just tear everything up. Mr. Rehmann noted Council may want to consider hiring a part-time person to work for Mike and that person could be paid from some of the inspection fees that would be generated. Cncl. Dilks questioned if Public Works knows where the gas company will be working on any given day. Mr. Calvello replied no, they get their permits and could show up tomorrow or next month to do the work. Mr. Fiore recommended a notification requirement as part of the process of the road opening permit so that way Public Works will know what is going on. Cncl. Dilks suggested before they do any work on a road that a video be taken of the area to ensure it looks the same after they get done. Mr. Calvello explained they do notify the township when doing a gas main but in the case of service calls or emergency repairs they don't know until the morning they receive the work order. Mr. Rehmann noted their rules have changed and now whenever they drill they are required to put a one foot by one foot hole over the approximate location of the water main and sanitary sewer in order to ensure they have the right depth and don't hit those pipes. Unfortunately, it has been our experience that they never get the one by one in the right spot so it becomes a one by two and sometimes a one by three so they are just tearing our roads apart and that is why we need to require the infrared material to repair the roads. Mr. Rehmann noted he heard a new development on Malaga and Winslow Roads is before the Planning Board and they going to connect to the sanitary sewer and water main on the newly paved portion of Winslow Road. He noted he has not seen the plans but it is going to be his position that if that happens they will have to mill from the center of the roadway and put a brand new surface on that roadway. Individual homeowners are given consideration but a developer must include that in the cost of the development. Mr. Rehmann advised he would meet with Mike in the next week to ten days to see if he agrees with his proposed changes to the ordinance and then an ordinance could be prepared by April. Cncl. Sebastian advised those changes will be placed on the April Ordinance Committee Meeting agenda.

- Fox Hollow - Speed Control Devices

Cncl. Sebastian noted the Fox Hollow Homeowner's Association sent a letter to Council and to the Police Department requesting speed control devices be installed in the development. Plt. Mark Burton investigated and sent a memo to Chief McKeown stating "*Meadows Drive does not display the roadway volume, crash data history or excessive speed problems that would receive an endorsement for rumble strips as a traffic calming device. However, the installation of rumple strips by the Association would not be opposed by the Traffic Unit if the specifications were approved by the Monroe Township Engineer and their placement locations were approved by the engineer and by our agency prior to installation*". Cncl. Sebastian noted no ordinance is in place regarding rumple strips but the association could be allowed to install them with input from the Police Department and the engineer, however, he was concerned with how they would affect maintenance and snow removal. Mike Calvello explained rumple strips are not speed control devices, they are just warning devices and in his opinion after the first week people will still drive over them at 30 miles an hour. Another concern is that if we allow them in Fox Hollow will it open a Pandora's Box so that other developments without a homeowner's association to pay for them will want them as well. Mr. Fiore noted the police indicated the warrants (crash data, speeds, etc.) are not there so if they want to put them in and pay for them that's fine but

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E.) MATTERS FOR DISCUSSION (cont'd)

from a law enforcement standpoint the Police Department is not recommending it. Another issue to consider is the noise generated by rumble strips and how a person living near them might be affected. Cncl. DiLucia spoke of Chris Rehmann previously discussing a new process, which was almost like an optical illusion making the roadway appear to narrow and that has a tendency to slow cars down. Chris was supposed to get back to Council with the cost of that, as that process does not create bumps in the roadway that would affect emergency services. Chris also spoke of another alternative and that was to install polls in the ground that register speed. They tend to slow cars down because drivers think they are being monitored. Cncl. DiLucia felt if speed control was going to be addressed the portability and cost of it should be addressed because once something is put in at one location everybody has a right to say "me too, why not me". So even if the association pays for it we are still allowing it there. He suggested asking Chris Rehmann to come up with some options of what we can do and the cost associated with it. Mike Calvello advised Meadows Drive is not a cut through street, it is a dead end court so 95% of the people speeding there, live there. Mr. Fiore advised Council should inform the association that the police department performed a survey and there is not a basis for speed control devices. He also suggested that if Council entertains this in the future they that they create a standard or criteria for it. Council requested Mr. Fiore to send a letter to the Fox Hollow Homeowner's Association advising of Council's decision. Cncl. Bryson questioned whether it was legal in New Jersey to install cameras with radar on them. Mr. Fiore replied no; he believed they are only legal in Virginia or Maryland.

- **Redevelopment Ordinance**

Mr. Fiore noted he requested this matter be placed on the agenda just to follow up to see what transpired after the Redevelopment Committee Meeting, as there was to be some discussion with RD Management. Cncl. Sebastian noted from what he understands after his conversation with Tim Kernan, the Mayor is supposed to contact RD to initiate that process again. Mr. Fiore noted there had been talk about amending the ordinance or totally removing the Acme Redevelopment Zone. Cncl. Sebastian explained the Pinelands have an issue with us taking out the residential component but according to Tim Kernan they have extended the time limit they gave us. Cncl. Bryson noted if this discussion is brought up again with RD they will want to build the houses but right now if we revert back and take away the Redevelopment Zone we do not have to do what the Pinelands is demanding. Cncl. Caligiuri explained the Redevelopment Plan was an overlay over the existing zoning use for that area, which is commercial. As soon as you remove the redevelopment overlay it reverts back to commercial. That was previously accepted by the Pinelands so there is now no COAH requirement. Cncl. Sebastian noted it also doesn't trigger any PDCs and that's where the Pinelands have a problem. They said with the elimination of the PDC they want the residential that was pulled out put into another location such as across the street in the Williamstown Square Project but there is no place for it there due to the back of the property being wetlands. Cncl. Sebastian noted they also have a problem with our sign ordinance, which they say is not legal in Pineland areas unless they have input and it is approved by them. Cncl. Sebastian requested Mr. Fiore to check with the Mayor to see if he is moving forward with this.

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F.) NEW BUSINESS

• Towing Ordinance

Cncl. Caligiuri noted he would like to discuss the Towing Ordinance; nothing relevant to any current litigation, just the ordinance in general. He noted Jack Simmermon is in attendance and knows that he (Cncl. Caligiuri) has always been objective and fair with him in the past. He spoke of what transpired with towing during his tenure as Council President, how it is obvious that he has nothing against Mr. Simmermon because he went on record saying he never wanted to close A-Jack's down over the bathroom issue and testified on Mr. Simmermon's behalf during depositions. He then expressed his concerns that last year the township was in the position of only having two towers after the others were disqualified with cause because they did not meet certain requirements. He noted he understands two towers work in Washington Township but it does not work in Monroe Township. He felt when the original ordinance was developed the intent was to have a pool of towers in the event of a catastrophe such as an ice storm that caused multiple accidents all over town. For many years all the towers got along and worked together but something happened to change that. Cncl. Caligiuri noted he would like to see it go back to the way it was because in his opinion seven towers are better than two, as multiple towers would be available at our disposal in the event of a catastrophic event. Currently a letter has been submitted that could potentially cause Council to disqualify some of the towers. He noted he does not know the validity of the accusations contained in that letter and it is not his position to evaluate that but he would like Council to consider an interim amendment to the existing towing regulations while the Towing Committee is in the process of reviewing the current ordinance. The interim amendment is based on the pretense that if you are running a company and you have to fire an employee you should have the right to hire another employee. Cncl. Caligiuri proposed that in the event a tower is disqualified Council be empowered to hire another tower to replace him and not be limited to towers within Monroe Township while selecting an interim replacement. He noted the reason he is suggesting an interim amendment is because the ordinance needs a thorough review but he would hate to see what happened last year happen again. At this point Mr. Simmermon tried to ask some questions but Solicitor Fiore interjected and advised that Cncl. Caligiuri can put his comments on the record but there should not be any dialog between the public as we are involved in litigation. If Council wants to open the public portion to let Mr. Simmermon speak that is fine but there should be no dialog about what happened last year since we are in litigation and we must be very careful. Mr. Fiore explained a complaint called "*A Complaint In Lieu of Prerogative Writ*" has been filed challenging whether or not five of the seven towers should be on the list. Cncl. Sebastian noted while we are in litigation the seven towers will remain on the list, we were not told to remove them now. At some point in time the court will determine whether those people will be removed but for right now while we are in litigation they will remain on the list. He explained as Chairman of the Towing Committee he sent out an email asking for all towers and Council members to submit their recommendations for changes to the ordinance to Sharon by March 19th so the committee can review it and Council can act upon it at the April meeting. Public safety will not be jeopardized, as the seven towers will remain on the list so rather than going through the process of changing the ordinance now, we should wait and make all the changes at one time. Cncl. Caligiuri explained he is trying to avert

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F.) NEW BUSINESS (cont'd)

what happened last year when we were placed in a bad position we didn't prepare for it because a similar series of events is occurring. Cncl. Sebastian explained he is not saying that Cncl. Caligiuri's recommendation is wrong or ill founded; what he is saying is the timing is not right because of the March 19th deadline to receive recommendations for changes. The Ordinance Committee made the decision to have the Towing Ordinance reviewed by way of a committee with input from all the towers as well as Council. Mr. Fiore again cautioned that Council should be very generic when talking about towing and should not talk about what happened last year because then it becomes a debate. Cncl. Sebastian explained as it stands today we have seven towers on the list and they will remain on the list until the litigation says they are not qualified to be on it. Cncl. Sebastian noted we gave the towers and Council members the opportunity to submit their recommendations to the Towing Committee who will review them and bring recommendations to Council at the April meeting where all changes, including Cncl. Caligiuri's can be developed into the ordinance at that time. Mr. Fiore advised as of right now there are currently seven and there has not been an emergent application filed to immediately remove five towers. There are issues that have been brought forward in the complaint pointing out deficiencies and Council all received copies of that complaint. The procedure is the Township will file an answer, the judge is going to conference the case with the attorneys and it will perhaps be resolved by what is called a "Summary Judgment" by the filing of certain documents. The judge will make a decision at some point in time and that could be 90 to 100 days out, we don't know because we have not had the initial conference with Judge Curio yet. Cncl. Caligiuri noted he would concede on the interim amendment provided that at least the majority of the towers will not be disqualified prior to our ability to pass that amendment. Cncl. Sebastian advised after all recommendations are submitted on March 19th Sharon will compile everything and send copies to the committee who will review everything and bring it to the Ordinance Committee Meeting in April. The committee may ask towers to attend a meeting to answer questions in regards to their suggestions so everything can be done before it is brought to Council. Cncl. Sebastian noted the point is had we been given instructions from the Solicitor and from the Police Department that those people were deficient in something they would not be on the list. We were told they met the requirements but after that meeting a suit was filed saying that another party doesn't feel they are qualified to be on the list. However, since we were told by the people doing the inspections that they met all the requirements there is no reason to take them off the list now. They would only be taken off as a result of the litigation if the court finds them deficient and by that time the ordinance should be amended. Cncl. Caligiuri noted the last time the Towing Ordinance was in committee it took eighteen months and the document that came out had holes in it, we couldn't get everything right. Cncl. Sebastian added and we may not get everything right this time but we are giving it our best shot. A lot of it is new territory for us while some of it has come from other municipalities that have already proven it in court. We do what we can and our judgment rests upon the reports of the Solicitor and the Police Department who does the inspections.

- Budget Issues

Cncl. Bryson noted Kevin Heydel put together a five year Capital Budget Plan, which was sent to Council for review and he requested Council submit their comments as soon as

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F.) NEW BUSINESS (cont'd)

possible as the budget must be introduced. He also advised that he spoke to the Cecil Fire Chief and sometime in the future Council will need to address the issues with the Cecil fire house as it has been deteriorating for awhile. Either equipment will need to be taken out of the budget so repairs can be made or we will need to come up with more revenue to replace the building. **Cncl. DiLucia** noted he sat on the Budget and Finance Committees and cautioned unless ways are found to generate or create additional revenue we are heading in a bad direction. He spoke of last year's tax increase and of the initial proposal for a 5.5% increase this year. He explained 3.3% of that was attributed to the re-assessment and the rest was new money. The Budget Committee was able to decrease that by taking 1% out of the reserve to lower the tax increase to 4.9% and if some budget lines were over estimated that money will be returned to the general fund. **Cncl. DiLucia** commended Kevin Heydel for doing a good job preparing the budget, as it is very difficult to predict the future on every budget line. He went on to say how he is convinced that if new revenue is not found the township and the taxpayers will be in big trouble and one way he was looking at to generate new revenue is for the township to completely take over the towing operation. This recommendation has nothing to do with the current ordinance; it is strictly a budget issue and a way to increase revenue. Kevin prepared a cost analysis for the Budget Committee, which **Cncl. DiLucia** felt was modest on the revenue end because it overstated the cost to run it and understated the revenue coming in. The bottom line is it would really add revenue to offset taxes for taxpayers and it will create good paying jobs while addressing the safety issue, which is the number one concern. He recommended Council members that have not seen the cost analysis to get a copy, as he was proposing Council go in that direction. **Cncl. Bryson** added that is one approach another source of revenue could possibly be billing insurance companies for fire calls. We already bill for EMS and that money helps to cover the cost associated with those services. The fire companies could also bill insurance companies like other towns do and that would not be detrimental to tax payers. **Business Administrator, Kevin Heydel** noted he had looked into fire company billing and found that homeowner insurance policies in the State of New Jersey do not pay for fire company responses within the municipality but they would pay another township to respond. He gave the example of Washington Township responding to a fire within our municipality and explained the insurance company would pay them or our fire company if we assisted another town. **Cncl. Caligiuri** noted when you look at the business prospect of taking over towing you may want to consider that businesses in town get about \$10,000.00 for every week they tow and by the township taking it over it could potentially result in smaller shops closing, which would amount to a reduction in property tax revenue. **Cncl. DiLucia** agreed; adding for every action there is a potential casualty but when looking at this objectively we must do something to stabilize taxes because if we don't we are going to have major problems. There are things that cannot be controlled such as reimbursement to the State and providing health insurance to retirees for life and those numbers are growing. **Cncl. DiLucia** noted each month Council receives a list from the Clerk's Office of foreclosures. This month there were seventeen and when he looks at that list and at his development, which is considered one of the more affluent areas, he sees a number of homes that are in foreclosure because people can't afford to live there anymore. Last year the only thing that helped taxpayers was that almost 50% of the homeowners received an adjustment in their assessed values but that is over, there will be no more reassessments, just tax increases going forward.

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F.) NEW BUSINESS (cont'd)

Kevin has advised that at least into the year 2018 we have a rocky road ahead of us and unless we can find additional revenue we are going off a cliff. The Budget Committee looked at several ways to increase revenue and this happens to be the first project we are considering and Kevin did a very good job estimating the numbers. He even went back and revised the numbers because he thought there were some things overstated. The initial expenditure for the vehicles over a five year period was taken into account but once they are paid off there will be lucrative revenue for this township. Cncl. DiLucia noted he wanted it on the record to make it clear, that he is addressing this purely as a tax and revenue issue; it has nothing to do with the Towing Ordinance; that is a separate issue. He added it is his responsibility as a Councilman and a member of the Finance and Budget Committees to address it as he would be lying if he said it looks rosy going forward because it doesn't. Cncl. Bryson noted he agreed with Cncl. DiLucia after seeing the budget numbers and the five year projections of what will be needed under Capital. He spoke of New Jersey having higher real estate taxes than Hawaii, California and New York, of the lack of concern in Trenton for other ways to reduce real estate taxes and of how he personally sent suggestions to legislators and received only thanks, nothing else. He added the foreclosures in New Jersey are not happening because people are irresponsible; it is happening because they can't pay their bills and when people leave many businesses cannot afford to pay taxes either so they go somewhere else. Cncl. DiLucia noted Kevin has been working really hard trying to place the health insurance, which is over five million dollars a year, with the State Health Benefits, as he estimates a savings there. However, whenever there is a savings there will be offsets to those savings so that is what is being looked at to ensure employees won't suffer any reduction in benefits and to make sure the plans are equal. There are some problems with things retirees are guaranteed so that will need to be resolved as well. He added if we could we would cut more costs but we are at bear bones, our workforce is down to a skeleton and the worst thing that can happen is that we begin cutting services. At that point taxpayers would have a right to revolt because services are what they get for their taxes. We can't control school taxes, as the Governor took that out of our hands completely by putting the school election in November and taxpayers no longer vote on the school budget because the school board is smart enough to keep their budget under the 2% cap, which winds up being 10% due to all the things that don't count in the calculation. We also have no control over the County, as they just give us a number and we pay it so the only thing we have control over is our portion of the budget and if we don't start taking some proactive moves a future council will be sitting here someday saying we're broke. Cncl. DiLucia noted he is prepared to move forward with an ordinance on this issue and it is up to Council to discuss it to see what they want to do. Mr. Heydel thanked Cncl. DiLucia for stating very elegantly the issues we have, as they are real. He added he did want to clarify that last year's 15½% tax increase was a direct result of the 3,000 tax appeals we had over the last few years; not a result of the municipal budget, which actually went down \$1,000. The hit the municipality took came to about \$1.5 million, the County lost money but the schools get 100% of their money. Mr. Heydel advised a penny previously represented \$275,000.00 but now that is down to \$263,000.00. He noted due to the Compliance Plan we will not have appeals in the magnitude of loss that we have seen in previous years but on the expense side of the budget there are many things that we can't control.

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G.) OLD BUSINESS

- Animal Park

Cncl. DiLucia referred to previous discussions about an animal park and recommended that move forward incorporating Cncl. Bryson's suggestion for it to include park benches, fountains and portable toilets. He noted regular toilet facilities should not be considered because that will create maintenance problems and has the potential for vandalism. Areas for an animal park are available and it could be funded through the parks and recreation fund so it would not increase taxes. He recommended hiring an architect to give Council some ideas where the best location for a park would be, some plans on how to lay one out and what the approximate cost would be. Cncl. Garbowski noted he researched Gloucester Township's and Washington Township's dog parks and found they have a park atmosphere where dogs can be walked, a fenced area where they can run off-leash and receptacles and water fountains for them to get a drink. Cncl. Sebastian questioned Mr. Heydel on where the township stands with the land swap between the Genova Property and the Petro Kyrik property. Mr. Heydel advised Chris Rehmann is still working on that but he felt the ratio for the swap has gone way up. Mr. Fiore advised he has a conference call regarding that tomorrow (March 6th) with Kim Rennick from the State. Council discussed whether an architect should be hired, if an RFP would be needed and where the funds were coming from. Mr. Heydel noted approximately \$169,000.00 is remaining in the Parks and Rec Fund after the lights at Owens are purchased. Mr. Fiore suggested incorporating a dog park as part of Owens Park so part of the Genova Property could be tied into it. Mr. Heydel agreed it should be in that area, as he felt putting it at Wagner Park or the Petro Kyrik property would be a mistake because they would be difficult to maintain and could have security issues where they are located. Discussion took place regarding what could be done with the Petro Kyrik property. Mr. Fiore suggested selling it since it is not restricted and the money from the sale could be used to purchase back portions of Clayton Road properties to tie into Owens Park and the School Board property. Cncl. Caligiuri noted that property is already dedicated open space. Mr. Fiore advised whether or not that was formerly dedicated as open space is the issue he will be discussing with the State. Dedicating it was discussed over the past seven years, and there was something from the Planning Board but he didn't know whether it was ever formerly done. Mr. Heydel added it is not included in the ROSI Plan. Mr. Heydel noted we have a million dollars in the open space account so technically that money could be used to purchase those properties. Cncl. DiLucia felt that a dog/cat park would pay for itself from the license fees, as there would be little maintenance if rented toilet facilities were used.

- Precious Metals Ordinance

Cncl. Sebastian advised Det. Gene Sulzbach conducted a dealer demonstration for the Rapid System and both the owners of Fera's Jewelry and Williamstown Diamonds and Fine Jewelry attended. Det. Sulzbach advised that Mr. Fera was still against the ordinance in principle but they were both pleasantly surprised with how easy the system was to use. Cncl. Sebastian noted he advised Det. Sulzbach that the ordinance would be placed on the April Ordinance Meeting agenda for further discussion.

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G.) OLD BUSINESS

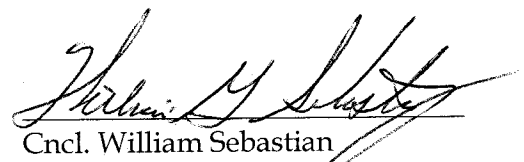
Jack Simmermon questioned how many trucks would be purchased to take over towing. Cncl. Sebastian advised that issue has not been addressed yet and is not on the agenda for discussion this evening, as Council needs to deal with the ordinance as it currently stands. No decision will be made on whether trucks will be purchased or not. Council will have a meeting regarding towing and that can be brought up at that time. He also noted the Public Portion of this meeting was opened and closed. Jack Simmermon noted he just wanted to know how many trucks would be purchased. He added if the best thing for the township is to build a storage pen, hire guys and buy trucks he has no problem with it and if Council needed someone to help them spec them out he would help. Mr. Heydel advised his analysis recommended three trucks be purchased; two flatbeds 35,000 pounds and one heavier truck. Cncl. Sebastian advised when the information is available it will be made public. Jack Simmermon commented that Council is considering buying three trucks when a company with five trucks can't handle everything so seven towers are needed. In that case why doesn't the township need ten trucks. Cncl. Sebastian noted discussion has not taken place regarding the use of those trucks and if there was a major catastrophe we could reach out to other people in or outside of the community if we decide to do that. Council will be dealing with the towing and precious metals ordinances at the Ordinance Committee Meeting in April. Cncl. DiLucia noted he sees this and brought it up as two separate issues because the ordinance is still a work in progress and that will be discussed. Whether Council talks about raising revenue in other ways is a separate generic discussion and when we get involved in the specifics of what we are going to do then we can get input from everybody that has expertise in the area. Cncl. Sebastian advised we will have more discussion on this and at that time it will be open to the public and the information, which only the Budget Committee has seen will be made available.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Caligiuri made a motion to adjourn the Ordinance Committee Meeting of March 5, 2014. The motion was seconded by Cncl. Dilks and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of March 5, 2014 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted



Date

4/2/14

Approved as corrected

Date